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UNCLAS KATHMANDU 001194

SIPDIS

AID/W: PLEASE PASS TO ANE/SA LYNN SAULS, EGAT/WID KATHY
BLAKESLEE, STATE FOR SA/RA LISA KAPLAN AND G/TIP

E.O. 12958: N/A

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SUBJECT: NEPALI TRAFFICKER SENTENCED TO 75 YEARS'
IMPRISONMENT

Ref: 2002 Kathmandu 2168

1.The Nepali "Space Time Daily" reported on June 8, 2003 that the Special Court had convicted Bhim Bahadur Basnet, the leader of a gang involved in selling nearly one hundred Nepali girls to the brothels in Pune, India. Basnet, an ethnic Nepali Bhutanese refugee resident in Nepal, was sentenced to seventy-five years' imprisonment. This is probably the first case since the enactment of the Human Trafficking Control Act of 2043 (1986) in which an individual convicted of trafficking has received the maximum sentence. Six other traffickers received sentences of from twelve to thirty-six years. The case began when twenty-one Nepalese girls who had been sold to Indian brothels were rescued by the NGO Maiti Nepal (one of USAID/Nepal's implementing partners in the anti-trafficking program); eleven of these girls subsequently filed a petition with the police against the gang who had trafficked them. Most of the girls were between the ages of fifteen and twenty at the time they were sold; they were lured by the traffickers with promises of marriage or attractive jobs. In India they were sold for between \$800 and \$1800.

2.The paper described the sentences as "an historic decision of the Special Courts. It is evidence of a new seriousness on the part of the Nepalese judiciary concerning its role in the fight against human trafficking.

3. Comment: The U.S. "Trafficking Victims Protection Act of 2000" mandates that governments of affected countries should "prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offenses (Section 108a3). The seventy-five year sentence handed down to Mr. Basnet meets these criteria, and is a break from past practice of meting out less stringent sentences for traffickers. Post is encouraged that the judiciary is beginning to take trafficking seriously. We will be further encouraging the judiciary's role through planned training and technical assistance under anti-trafficking and rule of law projects funded by INL, G/TIP, and USAID. End Comment.

4. This cable has been cleared by the Embassy Pol/Econ section.

MALINOWSKI